

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SHAHEED WILLIAMS,	)	
Plaintiff,	)	
	)	C.A. No. 1:17-cv-313
	)	
v.	)	
	)	
JAMIE FERDARKO, et al,	)	
Defendants.	)	

**MEMORANDUM OPINION**

This prisoner civil rights action was received by the Clerk of Court on November 16, 2017, and was referred to a United States Magistrate Judge for a report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges. The magistrate judge's report and recommendation, issued orally during a motion hearing held on January 11, 2018, recommended that the Motion for Order to Show Cause, Preliminary Injunction (ECF No. 6) filed by Shaheed Williams ("Plaintiff") be denied for failure to show: 1) likelihood of success on the merits as Plaintiff is receiving consistent medical care with which he disagrees, and 2) irreparable harm as the underlying suit in its regular course will determine the issue. Objections were filed by the Plaintiff on January 29, 2018.

Plaintiff believes that he has a tumor in his chest that is causing his spine to narrow and scoliosis. Plaintiff admits that he receives medical treatment, but argues such treatment nevertheless constitutes "deliberate indifference" in violation of the Eighth Amendment of the United States Constitution because defendants have persisted in an ineffective course of conservative treatment (x-rays, pain medication and physical therapy) in the face of his pain.

Plaintiff demands an MRI scan, which defendants refuse to order because it is not medically indicated. Plaintiff argues that he demonstrated irreparable harm to his spine and because he feels a mass inside his chest.

The magistrate judge considered these arguments and correctly explained on the record during the January 11, 2018 hearing why Williams' subjective disagreement with the opinions of the treating medical professionals failed to establish a likelihood of success on the merits of his Eighth Amendment claim or irreparable harm sufficient to support his request for injunctive relief. *See Reilly v. City of Harrisburg*, 858 F.3d 173, 179 (3d Cir. 2017) (if the "gateway factors" of success on the merits and irreparable harm are not met, the court need not consider the remaining factors of balancing the harms and public interest). The magistrate judge explained that Williams' claims would be fully adjudicated pursuant to the federal rules of civil procedure.

After de novo review of the petition and documents in the case and the transcript of the January 11, 2018 hearing, together with the report and recommendation and objections thereto, an appropriate order will be entered.

August 1, 2018

s/ Joy Flowers Conti  
JOY FLOWERS CONTI  
Chief United States District Judge

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**ORDER OF COURT**

AND NOW, this 1st day of August, 2018, IT IS HEREBY ORDERED that the Motion for Order to Show Cause, Preliminary Injunction (Dkt. 6) is DENIED. The oral report and recommendation of Magistrate Judge Susan Paradise Baxter, issued January 11, 2018, is adopted as the opinion of the court.

s/ Joy Flowers Conti  
JOY FLOWERS CONTI  
Chief United States District Judge

cc: Susan Paradise Baxter  
U.S. Magistrate Judge  
All parties of record